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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 1st June 1972:—

BILL NO. XVII OF 1972

A Bill further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Dentists (Amendment) Act, 1972.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

16 of 1948.

2. In sub-section (*2*) of section 1 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the words "except the State of Jammu and Kashmir" shall be omitted.

Amendment of section 2.

3. In section 2 of the principal Act,—

27 of 1933. 102 of 1956.

(*a*) in clause (*f*), for the words and figures "Indian Medical Council Act, 1933,", the words and figures "Indian Medical Council Act, 1956," shall be substituted;

(*b*) for clause (*j*), the following clause shall be substituted, namely:—

'(*j*) "recognised dental qualification" means any of the qualifications included in the Schedule;'; and

(*c*) clause (*m*) shall be omitted.

Insertion of new section 2A.

4. In Chapter I of the principal Act, after section 2, the following section shall be inserted, namely:—

Construction of references to laws not in force in Jammu and Kashmir.

"2A. Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.".

Amendment of section 3.

5. In section 3 of the principal Act,—

(*a*) for clause (c), the following clause shall be substituted, namely:—

"(c) not more than four members elected from among themselves, by—

(*a*) Principals, Deans, Directors and Vice-Principals of dental colleges in the States training students for recognised dental qualifications:

Provided that not more than one member shall be elected from the same dental college;

(*b*) Heads of dental wings of medical colleges in the States training students for recognised dentail qualifications";

(*b*) **in clause (*e*), the words "other than the State of Jammu and Kashmir or a Union territory" shall be omitted;**

(c) to clause (*e*), the following *Explanation* shall be added, namely:—

"*Explanation*.—In this clause, "State" does not include a Union territory;".

Amendment of section 6.

6. In section 6 of the principal Act,—

(*a*) to sub-section (*1*), the following proviso shall be added, namely:—

"Provided that a member nominated under clause (*e*) or clause (*f*) of section 3, shall hold office during the pleasure of the authority nominating him.";

(*b*) in sub-section (*3*),—

(*i*) for the words "Principal or Vice-Principal", the words "Principal, Dean, Director or Vice-Principal" shall be substituted;

(*ii*) for the words "a professor of dental surgery", the words "the Head of the dental wing" shall be substituted.

Amendment of section 9.

7. In sub-section (*2*) of section 9 of the principal Act, after the words "President and Vice-President *ex officio*", the words "and the Director-General of Health Services *ex officio*" shall be inserted.

Substitution of new section for section 10.

8. For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. (*1*) The dental qualifications, granted by any authority or institution in India, which are included in Part I of the Schedule shall be recognised dental qualifications for the purposes of this Act. Recognition of dental qualifications.

(*2*) Any authority or institution in India which grants a dental qualification not included in Part I of the Schedule may apply to the Central Government to have such qualification recognised and included in that Part, and the Central Government, after consulting the Council, and after such inquiry, if any, as it may think fit for the purpose, may, by notification in the Official Gazette, amend Part I of the Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in Part I of the Schedule against such dental qualification declaring that it shall be a recognised dental qualification only when granted after a specified date.

(*3*) (*a*) The dental qualifications, granted by any authority or institution outside India, which are included in Part II of the Schedule shall be recognised dental qualifications only for the purposes of the registration of citizens of India when the register is first prepared under this Act.

(*b*) Where any dental qualification granted by any authority or institution outside India, and held by a citizen of India, is recognised for the purposes of the register when it is first prepared, after the commencement of the Dentists (Amendment) Act, 1972, the Central Government may, after consultation with the Council, by notification in the Official Gazette, amend Part II of the Schedule so as to include therein the dental qualification so recognised.

(*4*) (*a*) The dental qualifications granted by any authority or institution outside India, which are included in Part III of the Schedule, shall be recognised dental qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled for registration unless he is a citizen of India.

(*b*) Where any dental qualification granted by any authority or institution outside India, and held by a citizen of India, is recognised, except on reciprocal basis, after the commencement of the Dentists (Amendment) Act, 1972, the Central Government may, after consultation with the Council, by notification in the Official Gazette, amend Part III of the Schedule so as to include therein the dental qualification so recognised.

(*5*) The Council may enter into negotiations with any authority or institution in any State or country outside India which, by law of any such State or country, is entrusted with the maintenance of a register of dentists, for the settling of a scheme of reciprocity for the recognition of dental qualifications and in pursuance of any such scheme, the Central Government may, by notification in the Official Gazette, declare that any such qualification granted by any authority or institution in any such State or country, or such qualification, only when granted after a specified date, shall be a recognised dental qualification for the purposes of this Act, and any such notification may provide for an amendment of the Schedule and may also direct that any such dental qualification as is specified in the notification shall be entered in the Schedule as so amended.

(*6*) The Central Government may, after consultation with the Council, by notification in the Official Gazette, amend the Schedule by directing that an entry be made therein in respect of any dental qualification declaring that it shall be a recognised dental qualification only when granted before a specified date.".

Insertion of new section 15A.

9. After section 15 of the principal Act, the following section shall be inserted, namely:—

Appointment of Visitors.

"15A. (*1*) **The Council may appoint such number of Visitors as it may deem necessary to attend at any examination held by any authority or institution in a State which grants recognised dental qualifications and to inspect any institution training students for recognised dental qualifications.**

(*2*) **Any person, whether he is a member of the Council or not, may be appointed as a Visitor under this section, but a person who is appointed as an Inspector under section 15 for any inspection or examination shall not be appointed as a Visitor for the same inspection or examination.**

(*3*) The Visitor shall not interfere with the course of any examination but shall report to the President of the Council on the sufficiency of every examination at which he attends and of the courses of study and training at every institution which he inspects, and on the adequacy of the standards of dental education including staff, equipment, accommodation and other facilities prescribed for giving dental education, and on any other matters with regard to which the Council may require him to report.

(*4*) The report of a Visitor shall be treated as confidential unless in any particular case the President of the Council otherwise directs:

Provided that if the Central Government requires a copy of the report of a Visitor, the Council shall furnish the same.".

Amendment of section 16.

10. In section 16 of the principal Act, the words "dental or", wherever they occur, shall be omitted.

Insertion of new section 16A.

11. After section 16 of the principal Act, the following section shall be inserted, namely:—

Withdrawal of recognition of recognised dental qualification.

"16A. (*1*) When, upon report by the Executive Committee or the Visitor, it appears to the Council—

(*a*) that the courses of study and training or the examination to be undergone in order to obtain a recognised dental qualification from any authority or institution in a State, or the conditions for admission to such courses or the standards of proficiency required from the candidates at such examinations are not in conformity with the regulations made under this Act or fall short of the standards required thereby, or

(*b*) that an institution does not, in the matter of staff, equipment, accommodation, training and other facilities, satisfy the requirements of the Council,

the Council shall send a statement to that effect to the Central Government.

(*2*) After considering such a statement, the Central Government may send it to the Government of the State in which the authority exercises power or the institution is situated, and the State Government shall forward it, along with such remarks as it may think fit to make, to the authority or institution concerned, with an intimation of

the period within which the authority or institution may submit its explanation to the State Government.

(3) After considering the explanation, or where no explanation is submitted within the period fixed, then, on the expiry of that period, the State Government shall make its recommendations to the Central Government.

(4) The Central Government may, after considering the recommendations of the State Government and after making such further inquiry, if any, as it may think fit, by notification in the Official Gazette, direct that an entry shall be made in Part I of the Schedule against the qualification granted by the authority or institution declaring that it shall be a recognised dental qualification only when granted before a specified date or that the said recognised dental qualification if granted to students of a specified college or institution affiliated to any University shall be a recognised dental qualification only when granted before a specified date or, as the case may be, that the said recognised dental qualification shall be a recognised dental qualification in relation to a specified college or institution affiliated to any University only when granted after a specified date.".

Amendment of section 17.

12. In section 17 of the principal Act, the word and figures "section 10," shall be omitted.

Insertion of new section 17A.

13. After section 17 of the principal Act, the following section shall be inserted, namely:—

Professional conduct.

"17A. (1) The Council may prescribe standards of professional conduct and etiquette or the code of ethics for dentists.

(2) Regulations made by the Council under sub-section (1) may specify which violations thereof shall constitute infamous conduct in any professional respect, that is to say, professional misconduct, and such provision shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.".

Amendment of section 20.

14. In sub-section (2) of section 20 of the principal Act,—

(a) in clause (a), the words "and the maintenance and audit of its accounts" shall be omitted;

(b) in clause (f), for the words ", Inspectors and other officers and servants of the Council", the words "and other officers and servants of the Council, and Inspectors, and Visitors appointed by the Council" shall be substituted.

Amendment of section 21.

15. In section 21 of the principal Act,—

(a) in clause (d), the word "and" occurring at the end shall be omitted;

(b) in clause (e), the word "and" shall be inserted at the end; and

(c) after clause (e), the following clause shall be inserted, namely:—

"(f) the Chief Medical Officer of the State, by whatever name *called ex officio*:"

Amendment of section 23.

16. In section 23 of the principal Act, after clause (e), the following clause shall be inserted, namely:—

"(*f*) the Chief Medical Officer of each participating State, by whatever name called, *ex officio*.".

Amendment of section 27.

17. In section 27 of the principal Act, to sub-section (*1*), the following proviso shall be added, namely:—

"Provided that a member nominated under clause (*e*) of section 21 or clause (*e*) of section 23, shall hold office during the pleasure of the authority nominating him.".

Amendment of section 29.

18. In sub-section (*1*) of section 29 of the principal Act, after the words "President and Vice-President *ex officio*", the words "and the Chief Medical Officer of the State or the States concerned, by whatever name called, *ex officio*" shall be inserted.

Amendment of section 33.

19. In sub-section (*1*) of section 33 of the principal Act,—

(*a*) in the first proviso, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) recognised, in pursuance of a scheme of reciprocity, under sub-section (*5*) of section 10;";

(*b*) in the second proviso, for the word and figures "Part III", the words and figures "Part II" shall be substituted;

(*c*) in the third proviso,—

(*i*) in clause (*b*), the word "or" shall be inserted at the end;

(*ii*) after clause (*b*), the following clause shall be inserted, namely:—

"(c) in the State of Jammu and Kashmir, if he is registered on the register of dental practitioners maintained under the Jammu and Kashmir Dentists Act, 1958.".

Amendment of section 34.

20. In section 34 of the principal Act,— J. & K. Act 9 of 1958.

(*a*) in sub-section (*1*),—

(*i*) for the word "Council", wherever it occurs, the words "Central Government" shall be substituted;

(*ii*) in the first proviso, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) recognised, in pursuance of a scheme of reciprocity, under sub-section (*5*) of section 10;";

(*b*) in sub-section (*2*),—

(*i*) in clause (*a*), for the words "State Dental Council", the words "State Council" shall be substituted;

(*ii*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) the State Council may, during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1972, permit, for sufficient reasons, the registration in the State register of any displaced person or a repatriate who does not hold any recognised dental qualification but has been actually practising the profession of dentistry as his principal means of livelihood from a date prior to the 29th day of March, 1948.

Explanation.—In this clause,—

(*i*) "displaced person" means any person who, on

account of civil disturbances or fear of such disturbances in any area now forming part of Bangla Desh, has, after the 14th day of April, 1957 but before the 25th day of March, 1971, left, or has been displaced from, his place of residence in such area and who has since then been residing in India;

(*ii*) "repatriate" means any person who, on account of civil disturbances or fear of such disturbances in any area now forming part of Burma or Ceylon, has, after the 14th day of April, 1957, left or has been displaced from, his place or residence in such area and who has since, then been residing in India;';

(*iii*) in clause (*b*), the words, "irrespective of any considerations of reciprocity," shall be omitted.

Amendment of section 39.

21. In section 39 of the principal Act, for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) On payment of the renewal fee, the Registrar shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.".

Amendment of section 41.

22. In section 41 of the principal Act,—

(*a*) in clause (*ii*) of sub-section (*1*), after the words "professional respect", the words, figures and letter "or has violated the standards of professional conduct and etiquette or the code of ethics prescribed under section 17A" shall be inserted; and

(*b*) in sub-section (*5*), after the words "certificate of registration", the words "and certificate of renewal, if any," shall be inserted.

Amendment of section 44.

23. In section 44 of the principal Act, after the words "certificate of registration", the words "or a certificate of renewal" shall be inserted.

Insertion of new section 46A. Transfer of registration.

24. After section 46 of the principal Act, the following section shall be inserted, namely:—

"46A. Where a dentist registered in one State is practising dentistry in another State, he may, on payment of the prescribed fee which shall not exceed the renewal fee for registration in such other State, make an application in the prescribed form to the Council for the transfer of his name, from the register of the State where he is registered, to the register of the State in which he is practising dentistry, and on receipt of any such application, the Council shall, notwithstanding anything contained elsewhere in this Act, direct that the name of such person be removed from the first-mentioned register and entered in the register of the second-mentioned State and the State Councils concerned shall comply with such directions:

Provided that such a person shall be required to produce a certificate to the effect that all dues in respect of his registration in the former State have been paid:

Provided further that where any such application for transfer is made by a dentist against whom any disciplinary proceeding is pending or where for any other reason it appears to the Council that the application for transfer has not been made *bona fide* and the transfer should not be made, the Council may, after giving the dentist a

reasonable opportunity of making a representation in this behalf, reject the application.".

Amendment of section 50.

25. In section 50 of the principal Act, after the words "certificate of registration", the words "or certificate of renewal, or both" shall be inserted.

Insertion of new section 53A.

26. After section 53 of the principal Act, the following section shall be inserted, namely:—

Accounts and audit.

"53A. (*1*) The Council shall maintain appropriate accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet, in accordance with such general directions as may be issued and in such form as may be specified by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Council shall be audited annually by the Comptroller and Auditor-General of India or any person appointed by him in this behalf and any expenditure incurred by him or any person so appointed in connection with such audit shall be payable by the Council to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Council shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and in particular, shall have the right to demand the production of books of accounts, connected vouchers and other documents and papers and to inspect the office of the Council.

(*4*) The accounts of the Council as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government.

(*5*) A copy of the accounts of the Council as so certified together with the audit report thereon shall be forwarded simultaneously to the Council.".

Amendment of section 55.

27. In sub-section (*2*) of section 55 of the principal Act,—

(*a*) after clause (*g*), the following clause shall be inserted, namely:—

"(*gg*) the form of application for transfer of registration from one State to another;";

(*b*) for clause (*h*), the following clause shall be substituted, namely:—

"(*h*) the charge for supplying printed copies of the registers, and the fees payable for—

(*i*) registration or renewal of registration;

(*ii*) supplying a duplicate certificate of registration or renewal; and

(*iii*) transfer of registration from one State to another;";

(*c*) for clause (*i*), the following clause shall be substituted, namely:—

"(*i*) the forms of certificates of registration and renewal;".

28. For the Schedule to the principal Act, the following Schedule shall be substituted, namely:— Substitution of new Schedule for the Schedule.

"THE SCHEDULE

PART I

[*See* sub-sections (*i*) and (*k*) of section 10]

Recognised Dental Qualifications granted by the Authorities or Institutions in India

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
1. Board of Examiners, Calcutta Dental College & Hospital, Calcutta	Licentiate in Dental Science; —if granted before the 1st day of May, 1941.	L.D.Sc. Calcutta
2. State Medical Faculty, Bengal, Calcutta	Licentiate in Dental Science; —if granted after the 30th day of April, 1941.	L.D.S. (S.M.F.) Bengal
3. City Dental College and Hospital, Calcutta	Licentiate in Dental Science; —if granted before the 31st day of March, 1940, to any person who—	L.D.Sc.(C.D.C.) Calcutta
	(i) had undergone two years' course of training in that institution ; or	
	(ii) having been previously engaged in practice as a dentist or a medical practitioner, had undergone one year's course of training in that institution.	
4. University of Bombay	(i) Bachelor of Dental Surgery	B.D.S. Bombay
	(ii) Master of Dental Surgery	
	—Prosthetic Dentistry	M.D.S. (Pros.) Bombay
	—Periodontia	M.D.S. (Perio.) Bombay
	—Oral Surgery	M.D.S.(Oral Surgery) Bombay
	—Orthodontia	M.D.S. (Ortho.) Bombay
	—Dental Radiology	M.D.S. (Radiology) Bombay
	—Operative Dentistry	M.D.S. (Operative) Bombay
	—Dental Pathology and Bacteriology	M.D.S.(Dent. Path. & Bact.) Bombay
5. College of Physicians and Surgeons, Bombay	Licentiate in Dental Science	L.D.S. (C.P.S.) Bombay
6. Nair Hospital Dental Board, Bombay	Licentiate in Dental Science	L.D.Sc. (Nair) Bombay
7. East Punjab University	Bachelor of Dental Surgery; —if granted during the year 1948	B.D.S. East Punjab
8. Lucknow University	(i) Bachelor of Dental Surgery	B.D.S. Lucknow
	(ii) Master of Dental Surgery	
	—Prosthodontics	M.D.S. (Pros.) Lucknow
	—Periodontics	M.D.S.(Perio.) Lucknow

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
	—Orthodontics	M.D.S. (Ortho.) Lucknow
	—Oral Surgery	M.D.S. (Oral Surgery) Lucknow
	—Pedodontia and Preventive Dentistry	M.D.S. (Pedo.) Lucknow
9. Madras University	(i) Bachelor of Dental Surgery	B.D.S. Madras
	(ii) Master of Dental Surgery	
	—Oral Surgery	M.D.S. (Oral Surgery) Madras
	—Periodontology	M.D.S. (Perio.) Madras
10. Calcutta University	Bachelor of Dental Surgery	B.D.S. Calcutta
11. Punjab University	*(i) Bachelor of Dental Surgery	B.D.S. Punjab
	*(ii) Master of Dental Surgery	
	—Pedodontia & Preventive Dentistry	M.D.S. (Pedo.) Punjab
	—Dental Prosthesis and Crown and Bridge Work —if granted before 31st December, 1976	M.D.S. (Pros.) Punjab
12. Punjabi University	Bachelor of Dental Surgery	B.D.S. Punjabi
13. Osmania University	Bachelor of Dental Surgery	B.D.S. Osmania
14. Kerala University	(i) Bachelor of Dental Surgery	B.D.S. Kerala
	*(ii) Master of Dental Surgery —Operative Dentistry	M.D.S. (Operative) Kerala
15. Mysore University	*Bachelor of Dental Surgery	B.D.S. Mysore
16. Patna University	Bachelor of Dental Surgery	B.D.S. Patna
17. Bangalore University	(i) Bachelor of Dental Surgery	B.D.S. Bangalore
	(ii) Master of Dental Surgery	
	—Orthodontics	M.D.S. (Ortho.) Bangalore
	—Oral Surgery	M.D.S. (Oral Surgery) Bangalore
	—Periodontia	M.D.S. (Perio.) Bangalore
18. Indore University	Bachelor of Dental Surgery	B.D.S. Indore
19 Gujarat University	(i) Bachelor of Dental Surgery	B.D.S. Gujarat
	(ii) Master of Dental Surgery	
	—Prosthetic Dentistry	M.D.S. (Pros.) Gujarat
	—Periodontia	M.D.S. (Perio.) Gujarat
	—Oral Pothology and Bacteriology	M.D.S. (Oral Path. & Bact.) Gujarat
	—Oral Diagnosis and Dental Radiology	M.D.S. (Oral Diag. &[Radiology) Gujarat
	—Operative Dentistry	M.D.S. (Operative) Gujarat
20. Guru Nanak University	(i) Bachelor of Dental Surgery	B.D.S. Guru Nanak
	(ii) Master of Dental Surgery	
	— Pedodontia and Preventive Dentistry	M.D.S.(Pedo.) Guru Nanak
	— Dental Prosthesis and Crown and Bridge Work	M.D.S. (Pros.) Guru Nanak

PART II

[*See* sub-section (*3*) of section 10]

Recognised Dental Qualifications for the purposes of Registration when the Register is first prepared

Authority or Institution	Recognised dental Qualification	Abbreviation for registration
1	2	3
1. The University of Vienna (Austria)	Post-graduate Certificate of Dentistry	Z.D.S. (Vienna)
2. The Tulane University of Louisiana (U.S.A.)	Doctor of Dental Surgery	D.D.S. (Louisiana, U.S.A.)
3. Dusseldorf (Germany)	Zahnarzt Diploma	——

PART III

[*See* sub-section (*4*) of section 10]

Recognised Dental Qualifications granted by Authorities or Institutions outside India only when granted to a citizen of India

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
1. The University of Punjab, Lahore	Bachelor of Dental Surgery Master of Dental Surgery —if granted before the 15th day of August, 1947	B.D.S. Lahore M.D.S. Lahore
2. The Punjab State Medical Faculty, Lahore	Licentiate in Dental Science —if granted before the 15th day of August, 1947	L.D.Sc. (S.M.F.) Lahore
3. The Board of Examiners, College of Dentistry, Karachi	Licentiate in Dental Science —if granted before the 31st day of December, 1943	L.D.Sc. Karachi

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
4. The Royal College of Surgeons, England (U.K.)	Licence in Dental Surgery Fellowship in Dental Surgery Diploma in Orthodontics	L.D.S.R.C.S. Eng. F.D.S.R.C.S. Eng. D. Orth. R.C.S. Eng.
5. The Royal College of Surgeons, Edinburgh (U.K.)	Licentiate in Dental Surgery Fellow in Dental Surgery	L.D.S.R.C.S. Edin. F.D.S.R.C.S. Edin.
6. Royal College of Physicians & Surgeons of Glasgow/Royal Faculty of Physicians & Surgeons, Glasgow (U.K.)	Licence in Dental Surgery Diploma in Orthopaedics Fellowship in Dental Surgery *Higher Dental Diplomate *—Granted only up to 1965	L.D.S.R.C.P.S.G. D.D.O.R.C.P.S.G. F.D.S.R.C.P.S.G. H.D.D.
7. The Royal College of Surgeons, Ireland	Licence in Dental Surgery Fellowship of the Faculty of Dentistry	L.D.S.R.C.S. Irel. F.F.D.R.C.S. Irel.
8. The University of Newcastle Upon Tyne, Newcastle Upon Tyne/ The University of Durham, Newcastle Upon Tyne (U.K.)	*Licence in Dental Surgery Bachelor of Dental Surgery Master of Dental Surgery Doctor of Dental Science *—abolished from 1962	L.D.S. Dunelm B.D.S. Newcastle/Dunelm M.D.S. Newcastle/Dunelm D.D.S. Newcastle/Dunelm
9. The University of London (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery Master of Science (Dentistry)	B.D.S. London M.D.S. London M.Sc. London
10. The University of Manchester (U.K.)	Doctor of Dental Surgery Master of Dental Surgery Bachelor of Dental Surgery Licentiate in Dental Surgery	D.D.S. (U. Manc.) M.D.S. (U. Manc.) B.D.S. (U. Manc.) L.D.S. (U. Manc.)
11. The University of Birmingham (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery *Licence of Dental Surgery *—abolished from 1950	B.D.S. Birmingham M.D.S. Birmingham L.D.S. Birmingham
12. The University of Liverpool (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery Doctor of Philosophy *Licence in Dental Surgery *—abolished in 1963	B.D.S. Liverpool M.D.S. Liverpool Ph. D. Liverpool L.D.S. Liverpool
13. The University of Leeds (U.K.)	Bachelor of Dental Surgery Diploma in Dental Surgery Master of Dental Surgery	B.Ch.D. U. Leeds L.D.S. U. Leeds M.Ch. D.U. Leeds
14. The University of Sheffield (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery Licentiate of Dental Surgery	B.D.S. U.Sheff. M.D.S. U. Sheff. L.D.S. U.Sheff.
15. The University of Bristol (U.K.)	Bachelor of Dental Surgery Diploma in Dental Surgery Master of Dental Surgery	B.D.S. U.Brist. L.D.S. U.Brist. M.D.S. U.Brist.

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
16. The University of Dundee/ University of St. Andrews, Dundee (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery Doctor of Dental Science Diploma in Public Dentistry *Diploma in Dental Surgery *—abolished in 1950	B.D.S. U.Dundee/St.And. M.D.S. U.Dundee/St. And. D.D.Sc. U.Dundee/St.And. D.P.D. U.Dundee/St. And. L.D.S. U.St. And.
17. The Queen's University of Belfast (U.K.)	Bachelor of Dental Surgery Master of Dental Surgery *Licentiate in Dental Surgery *—abolished	B.D.S. Q.U.Belf. M.D.S. Q.U.Belf. L.D.S. Q.U.Belf.
18. The National University of Ireland, Dublin	Bachelor of Dental Surgery Master of Dental Surgery	B.D.S. N.U.Irel. M.D.S.N.U. Irel
19. The Emory University, Atlanta (U.S.A.) Atlanta/Southern Dental College, Atlanta, Georgia (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry	D.D.S. Atlanta M.S.D. Atlanta
20. University of Illinois, Chicago (U.S.A.)	Degree of Dental Surgery Master of Science	D.D.S. Illinois M.S. Illinois
21. Lyola University, Chicago (U.S.A.)	Doctor of Dental Surgery Master of Science in Oral Biology	D.D.S. Lyola M.S. Lyola
22. North-Western University, Chicago, Illinois (U.S.A.)	Doctor of Dental Surgery Master of Science *Master of Science in Dentistry *—discontinued in 1959	D.D.S. North-Western M.S. North-Western M.S.D. North-Western
23. Indiana University, Indianapolis, Indiana (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry	D.D.S. Indiana M.S.D. Indiana
4. College of Dentistry, University of Iowa City, Iowa (U.S.A.)	Doctor of Dental Surgery Master of Science	D.D.S. Iowa M.S. Iowa
25. Harvard University, Boston, Massachusetts (U.S.A.)	Doctor of Dental Medicine	D.M.D. Harvard
26. University of Nebraska, Omaha, Nebraska (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry	D.D.S. Nebraska M.S.D. Nebraska
27. Columbia University, New York City (U.S.A.)	Doctor of Dental Surgery	D.D.S. Columbia
28. University of Pennsylvania, Philadelphia, Pennsylvania (U.S.A.)	*Doctor of Dental Surgery Doctor of Dental Medicine *—abolished in 1964	D.D.S. Penn. D.M.D. Penn.
29. The University of Texas at Houston, Texas Dental College, Houston (U.S.A.)	Doctor of Dental Surgery	D.D.S. Texas
30. University of Minnesota (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry Doctor of Philosophy	D.D.S. Minnesota M.S.D. Minnesota Ph. D. Minnesota
31. Saint Louis University, Missouri (U.S.A.)	Doctor of Dental Surgery	D.D.S. St. Louis
32. University of Michigan (U.S.A.)	Doctor of Dental Surgery Master of Science Doctor of Philosophy	D.D.S. Michigan M.S. Michigan Ph. D. Michigan

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
33. Tufts University, Tufts College, Boston (U.S.A.)	Doctor of Dental Medicine Master of Science Master of Dental Science Doctor of Philosophy	D.M.D. Tufts M.S. Tufts M.D.S. Tufts Ph.D. Tufts.
34. The University of Toronto, Ontario (Canada)	Doctor of Dental Surgery Diploma in Dental Public Health Diploma in Oral Surgery and Anaesthesia Diploma in Paedodontics Diploma in Orthodotics Diploma in Periondontics Bechelor of Science in Dentistry Master of Science in Dentistry Doctor of Philosophy	D.D.S. Toronto D.D.P.H. Toronto Dip. Oral Surg. Toronto Dip. Paedodont. Toronto Dip. Orthodont. Toronto Dip. Periodont. Toronto B.Sc.D. Toronto M.Sc.D. Toronto Ph.D. Toronto
35. McGill University, Montreal (Canada)	Doctor of Dental Surgery	D.D.S. McGill
36. Deutsche Zahnaerztliche Universitaets Institut, Bonn (Germany)	Diploma	...
37. Deutsche Zahnaerztliche Universitaets Institute, Munich (Germany)	Diploma	...
38. Ecole Dentaire de Paris, Paris	Chirug ien Dentiste (Diploma of Dental Surgeon)	D.E.D.P. Paris
39. Ecole Dentaire Francaise, Paris	Diploma of Dental Surgeon	D.E.D.F.Paris
40. American Dental College, Karachi	Licentiate in Dental Science —if granted on or before the 31st December, 1936	L.D.Sc. Karachi
41. The Faculty of Medicine, University of Vienna (Austria)	The qualification of dental specialist granted by the Faculty of Medicine, University of Vienna, after two years' course in dentistry prior to which the M.D. Degree of that University has been obtained.	..
42. University of Berlin (Germany)	Zahnaerzt Diploma Doctor Medicinae Dentariae	.. Dr. Med. Dent.
43. University of Freiburg, (Germany)	Zahnaerzt Diploma	..
44. University of Frankfurt (Germany)	Doctor Medicinae Dentariae	Dr. Med. Dent.
45. Baltimore College of Dental Surgery, University of Maryland, (U.S.A.)	Doctor of Dental Surgery Master of Science	D.D.S. Maryland M.S. Maryland
46. University of Rostock, (Germany)	Doctor Medicinae Dentariae	Dr. Med. Dent.
47. University of Detroit, (U.S.A.)	Doctor of Dental Surgery Master of Science	D.D.S. Detroit M.S. Detroit

Authority or Institution	Recognised dental qualification	Abbreviation for registration
1	2	3
48. University of Rochester (U.S.A.)	Doctor of Philosophy	Ph.D. Rochester
49. University of Edinburgh (U.K.)	Bachelor of Dental Surgery	B.D.S. Edin.
50. Punjab Dental College/ Dental and Optical College, Lahore (Now defunct)	*Licentiate of Dental Science Diploma	L.D.Sc. Lahore
	*Bachelor of Dental Science Diploma	B.D.Sc. Lahore
	*—if granted on or before the 14th August, 1947	
51. Tokyo Medical and Dental University, Tokyo (Japan)	Dr. of Medical Science —Operative Dentistry	D.M.Sc. —Igaku hakushi
52. University of New Zealand, Wellington, New Zealand	Master of Dental Surgery	M.D.S. New Zealand
53. Ecole de Chirugie Dentaire et de Stomatologie de Paris (France)	Diploma	DECD&S. Paris
54. University of Sydney, Sydney (Australia)	Bachelor of Dental Surgery Master of Dental Surgery	B.D.S. Sydney M.D.S. Sydney
55. Georgetown University, Washington (U.S.A.)	Doctor of Dental Surgery Master of Surgery in Pedodontia	D.D.S. Georgetown M.S. (Pedo.) Georgetown
56. University of Alabama, Alabama (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry	D.D.S. Alabama M.S.D. Alabama
57. University of Otago, Dunedin C.I. (New Zealand)	Master of Dental Surgery	M.D.S. Otago
58. Marquette University, Milwaukee, Wisconsin (U.S.A.).	Doctor of Dental Surgery Master of Science.	D.D.S. Marquette M.S. Marquette
59. New York University, New York (U.S.A.)	Doctor of Dental Surgery Master of Science in Dentistry	D.D.S. N.Y. M.S.D. N.Y.
60. University of California, San Francisco (U.S.A.)	Doctor of Dental Surgery Master of Science	D.D.S. Calif. M.S. Calif.
61. University of Missouri at Kansas City, Missouri (U.S.A.)	Doctor of Dental Surgery Master of Science	D.D.S. Missouri M.S. Missouri
62. Washington University St. Louis, Missouri (U.S.A.)	Doctor of Dental Surgery, Master of Science	D.D.S. Washington M.S. Washington
63. University of Malaya, Singapore	Bachelor of Dental Surgery	B.D.S. Malaya
64. University of Pittsburg, Pittsburg, Pennsylvania (U.S.A.)	Master of Science in Dentistry (Pedodontics)	M.S.D. (Pedo.) Pittsburg
65. University of Alabama in Birmingham, U.S.A.	Master of Science Degree in Pathology (oral Pathology)	M.S.D. (Oral Path.) Birmingham.".

STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948, extends to the whole of India except the State of Jammu and Kashmir. It has been decided with the concurrence of the Government of Jammu and Kashmir to extend the Act to the State of Jammu and Kashmir also.

Under the existing provisions of the Act, the power to recognise dental qualifications vests in the Dental Council of India. It is now proposed to vest this power in the Central Government.

There is no provision in the Act for the appointment of Visitors by the Dental Council of India for the inspection of dental institutions. Since such inspection is considered desirable in the interest of dental education, it is proposed to make a provision for the appointment of Visitors.

The rules of professional ethics adopted by the State Dental Councils vary from State to State. It is proposed to empower the Dental Council of India to prescribe standards of professional conduct, etiquette and a code of ethics for dentists in order to bring about uniformity in these rules.

Certain displaced persons who had migrated to India from an area which is now known as Bangla Desh or have been repatriated from Burma or Ceylon and who did not possess any recognised dental qualifications but who had been engaged in the profession of dentistry for their livelihood in an area which is now known as Bangla Desh, Burma or Ceylon, are being provided facility for registration to enable them to practise dentistry. It is proposed to give effect to this proposal with effect from the date of commencement of the Dentists (Amendment) Act, 1972.

Opportunity has also been taken to carry out certain amendments in the Act to enable the Dental Council of India to discharge its functions effectively.

The Bill seeks to achieve the above objects.

NEW DELHI;
The 1st May, 1972

UMA SHANKAR DIKSHIT.

FINANCIAL MEMORANDUM

The Dentists (Amendment) Bill, 1972, seeks to extend the Dentists Act, 1948, to the State of Jammu and Kashmir. With its extension, two members from this State will be elected or nominated on the Dental Council of India, as provided in clause 5 of the Bill. It is expected that the expenditure on the travelling allowance and daily allowance of these members will be about Rs. 2,000 per annum, which will be borne by the Dental Council of India. The Central Government will be required to meet the expenditure on the election of a member from this State to the Council. The expenditure is estimated to be about Rs. 300 every five years.

Clause 9 makes a provision for the appointment of Visitors by the Dental Council of India. It is expected that there will be an expenditure of about Rs. 10,000 on travelling allowance and daily allowance of these Visitors.

The Bill does not involve any non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Dental Council of India to make, with the approval of the Central Government, regulations to carry out the purposes of the Act in respect of the matters specified therein. These matters relate to the standards of professional conduct and etiquette and a code of ethics to be observed by dentists.

2. Clause 14 of the Bill which seeks to amend section 20 of the Dentists Act, 1948 empowers the Dental Council of India to make regulations, with the approval of the Central Government, to prescribe the tenure of office and powers and duties of the Visitor appointed by the said Council.

3. Clause 27 of the Bill which seeks to amend section 55 of the Dentists Act, 1948 empowers the State Government to make rules to prescribe forms of application for transfer of registration from one State to another and the forms of certificates of registration and renewal and the fees to be charged for the purposes and for supplying a duplicate of certificates of registration or renewal.

4. The matters in respect of which such rules or regulations may be made are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of the legislative power is, therefore, of a normal character.

II

Bill No. XVIII of 1972

A Bill to provide for the adoption of children and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Adoption of Children Act, 1972.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "adoption order" means an order made under section 4 for the adoption of a child;

(*b*) "child" means a person, whether male or female, who, on or before the date on which an application for an adoption order in respect of such person is made, has not completed the age of eighteen years;

(*c*) "district court" means, in any area for which there is a city civil court, that court, and in any other area, the principal civil court of original jurisdiction;

(*d*) "guardian" means a person having the care of the person of a child or of both his person and property and includes—

(*i*) a guardian appointed by a will or other instrument executed by the child's father or mother, and

(*ii*) a guardian appointed or declared by a court;

(*e*) "institution" or "social welfare institution" means an institution, by whatever name called, which is licensed as a social welfare institution under section 15;

(*f*) "parent", in relation to an adopted child, means the adoptive parent;

(*g*) "prescribed" means prescribed by rules made under this Act.

Adoptions to be regulated by this Act.

3. After the commencement of this Act, no adoption shall be made except in accordance with the provisions of this Act and any adoption made in contravention of such provisions shall be void and of no effect.

Power to make adoption orders.

4. Subject to the provisions of this Act, the district court may, upon an application made in the prescribed form and manner by a person for the adoption of a child, make an adoption order in respect of such child.

Persons who may adopt.

5. (*1*) Any person who has completed the age of twenty-one years and is of sound mind may adopt a child under this Act.

(*2*) A person who is married shall not be entitled to adopt himself or herself alone a child, but the husband and wife, and where there are more than one wife, any one of the wives, may jointly adopt a child; and in no other case shall more than one person be entitled jointly to adopt a child.

(*3*) The person or each of the persons seeking to adopt a child shall be older than the child by at least twenty-one years.

(*4*) Notwithstanding the foregoing provisions of this section, the mother or father of an illegitimate child may, either alone or jointly with her or his spouse, as the case may be, adopt such child whether or not such mother, father or spouse—

(*a*) has completed the age of twenty-one years; or

(*b*) is older than the child by twenty-one years.

Persons who may be adopted.

6. (*1*) Any child who is not already adopted or married may be taken in adoption.

(*2*) No adoption order shall be made where the sole applicant for an adoption order is a male and the child to be adopted is a female, unless the district court is satisfied that the applicant is the father of the child or that there are other special circumstances which justify the making of an adoption order.

Consents.

7. (*1*) An adoption order in respect of a child shall not be made—

(*a*) in any case, except with the consent of every person who is a parent or guardian of the child; and

(*b*) where the child is in the care and custody of an institution, except with the consent of the institution given on its behalf by any person entrusted with, or in charge of, its management:

Provided that the consent of the natural father of an illegitimate child shall in no case be required in the case of adoption of such child.

(*2*) The consent referred to in sub-section (*1*) may be given in such manner as may be prescribed.

(*3*) The district court may dispense with any consent required by sub-section (*1*) if it is satisfied that the person whose consent is to be dispensed with—

(*a*) has abandoned, neglected or persistently ill-treated the child or has persistently failed, without reasonable cause, to discharge the obligations of a parent or guardian of the child; or

(*b*) cannot be found or is incapable of giving consent or is withholding consent unreasonably.

(*4*) Any consent to an adoption of a child given under this section shall not be withdrawn except with the permission of the district court.

Court having jurisdiction to entertain applications.

8. Every application for an adoption order shall be made to the district court having jurisdiction in the place where the child to be adopted or the applicant resides on the date of the application.

Procedure before the court, etc.

9. (*1*) Subject to the provisions of this Act and the rules made thereunder, every application for an adoption order shall be heard and determined by the district court as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits and an adoption order made under this Act shall be deemed to be a decree for the purposes of the said Code.

5 of 1908.

1 of 1872.

(*2*) The provisions of the Indian Evidence Act, 1872, shall, subject to the provisions of this Act and the rules made thereunder, apply in all respects to the proceedings on such application:

Provided that the district court may receive as evidence any report, statement, document, information or matter that may in its opinion assist it to deal effectually with the application, whether or not the same would be otherwise admissible under the Indian Evidence Act, 1872.

1 of 1872.

(*3*) For the purpose of any application for adoption of a child under this Act and subject to any rules made thereunder, the district court may, if satisfied that it is necessary so to do, appoint some person or authority to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court.

Interim orders.

10. (*1*) Subject to the provisions of this section, the district court may postpone the determination of an application for an adoption order in respect of a child and may, if it considers just and convenient so to do, make an interim order giving the care and custody of the child to the applicant for such period as the court thinks fit by way of a probationary period, upon such terms as regards the provision for the

maintenance and education, and the supervision of the interests and welfare, of the child and otherwise as the court may think fit.

(2) On the application of any person interested, the district court may in its discretion revoke an interim order in respect of any child on such terms and conditions as the court thinks fit.

Matters to be considered in making adoption orders.

11. (1) The district court, before making an adoption order,—

(a) shall be satisfied that every person or institution whose consent is required under this Act, and whose consent has not been dispensed with, has consented to and understands the nature and effect of the adoption order for which the application has been made and in particular in case of any parent, understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights;

(b) shall give due consideration to the wishes of the child, having regard to his or her age and understanding;

(c) shall be satisfied that the order if made, will be for the welfare of the child; and

(d) shall be satisfied that the applicant has not received or agreed to receive and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

(2) In determining whether an adoption order, if made, will be for the welfare of the child, the district court shall have regard (among other things) to the health of the applicant as evidenced, in such cases as may be prescribed, by the certificate of a registered medical practitioner.

(3) The district court in making an adoption order may impose such terms and conditions as it may think fit and in particular, may require the adopter by bond or otherwise to make for the child such provision, if any, as in the opinion of the court is just and proper.

Appeals.

12. (1) Any person aggrieved by an order of the district court allowing or dismissing an application for an adoption order may, within thirty days from the date of such order, prefer an appeal to the High Court.

(2) The High Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority and follow the same procedure with respect to an appeal under this section as if the appeal were an appeal from an original decree passed by the district court.

Effect of adoption order.

13. (1) An adoption order shall take effect on such date as may be specified therein by the district court or where an appeal has been preferred under section 12 against such order on such date as may be specified in the appellate order.

(2) A child in respect of whom an adoption order is made shall be deemed to be the child of the adopter or adopters and the adopter or adopters shall be deemed to be the parent or parents of the child as if the child had been born to that adopter or those adopters in lawful wedlock, for all purposes (including intestacy) with effect from the date on which the adoption order takes effect and on and from such date all the ties of the child in the family of his or her birth shall be deemed to be

severed and replaced by those created by the adoption order in the adoptive family:

Provided that—

(*a*) the child shall not be competent to marry any person whom the child could not have married if the child had continued in the family of his or her birth;

(*b*) any property which vested in the adopted child immediately before the date on which the adoption order takes effect shall continue to vest in the adopted child subject to the obligations, if any, attaching to the ownership of such property including the obligations, if any, to maintain the relatives in the family of his or her birth;

(*c*) the adopted child shall not divest any person of any property which vested in such person before the date on which the adoption order takes effect.

Special provision for protection of adopted children.

14. (*1*) The district court,—

(*i*) upon receiving from any person an application in the prescribed form in this behalf, or

(ii) upon a report by any officer authorised in this behalf by the State Government, or

(*iii*) upon its own knowledge, information, or suspicion,

may, by notice, require the parent or guardian of a child apparently under the age of eighteen years, being a child adopted under this Act to produce such child on such day as may be specified in the notice if the court has reason to believe that the child—

(*a*) is habitually neglected or cruelly ill-treated,

(*b*) lives or is made to live by begging,

(*c*) lives or is made to live in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child,

(*d*) frequents or is allowed to frequent the company of any prostitute, or of any smuggler, or thief or other criminal, or

(*e*) has been or is being or is likely to be taken out of India for any immoral purpose or for any purpose detrimental to his welfare and interests.

Explanation.—For the purposes of sub-clause (*a*) a child shall be deemed to be cruelly ill-treated if his parent or guardian makes any undue discrimination between him and his brothers or sisters in his adoptive family in the matter of care, maintenance, training, education, provision of money or property or in any other matter connected with the physical, material or moral well-being of the child.

(*2*) On the date fixed for the production of the child under sub-section (*1*) or on any subsequent date to which the proceedings may be adjourned, the district court may hear and record all evidence which may be adduced and pass such order as in the opinion of the court is just and proper in the circumstances of the case for ensuring the welfare of the child.

A

(3) The provisions of section 9 shall, so far as may be, apply in respect of proceedings and orders under this section as they apply in respect of proceedings on applications for adoption orders and adoption orders.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of any law for the time being in force providing for the care, protection, maintenance, welfare, training, education and rehabilitation of children.

Licensing of institutions.

15. (1) It shall not be lawful for any body of persons to make any arrangements for the adoption of a child unless that body is licensed as a social welfare institution under this Act:

Provided that for a period of three months from the commencement of this Act, this sub-section shall not apply to any institution engaged in making such arrangements immediately before the commencement of this Act.

(2) Every person desiring to establish an institution shall make an application to the licensing authority (who shall be an officer of the State Government appointed as licensing authority by that Government) in such form and containing such particulars as may be prescribed.

(3) On the receipt of an application under sub-section (2) the licensing authority, after making such inquiry as he thinks necessary, shall by an order in writing either grant the licence or refuse to grant it.

(4) Where a licence is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner.

(5) A licence unless sooner revoked, shall be in force for such period as may be specified in the licence and may, on an application made in this behalf sixty days before the date of its expiry, be renewed for such period as the licensing authority may think fit:

Provided that a licence may be renewed on an application made within sixty days before the date of expiry of the licence if the licensing authority is satisfied that there was sufficient cause for not making an application earlier.

(6) Every licence granted under this Act shall be in the prescribed form and shall be subject to the prescribed conditions.

(7) No fee shall be charged for the grant or renewal of a licence under this Act.

Licence not transferable.

16. A licence granted under this Act shall not be transferable.

Revocation of licence.

17. (1) The licencing authority may without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded in writing, revoke a licence granted under this Act—

(a) if any of the provisions of this Act or any of the rules thereunder relating to the grant of licences or any of the conditions of the licence are contravened; or

(b) if the licensing authority is not satisfied with the conditions, management or superintendence of the institution concerned:

Provided that before making an order of revocation the licensing authority shall give the holder of the licence a reasonable opportunity to show cause why the licence should not be revoked.

(2) Where a licence in respect of an institution has been revoked under sub-section (1), such institution shall cease to function—

(a) where no appeal has been preferred, against the order of revocation, immediately on the expiry of the period prescribed for the filing of such appeal;

(b) where an appeal has been preferred but the order of revocation has been confirmed, whether with or without any modifications from the date of the appellate order.

(3) On the revocation of a licence in respect of an institution, the licensing authority may direct that any child who is in the care and custody of the institution on the date of such revocation shall be—

(a) transferred to another institution; or

(b) placed in the care and custody of such person as is in the opinion of the licensing authority a fit and proper person to be entrusted with the care and custody of the child.

Appeal against orders of licensing authority.

18. (1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or revoking a licence or by a direction of the licensing authority may, within such time as may be prescribed, prefer an appeal to the State Government against such refusal, revocation or direction.

(2) The order of the State Government on such appeal and subject only to such order, the order of the licensing authority shall be final and conclusive.

Penalties.

19. Any person who contravenes any of the provisions of this Act or any of the rules made under this Act relating to the grant of licences or any of the conditions of a licence, or any of the directions issued under sub-section (3) of section 17 shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

Prohibition of certain payments.

20. (1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—

(a) the adoption by that person of a child; or

(b) the grant by that person of any consent required in connection with the adoption of a child; or

(c) the transfer by that person of the care and custody of a child with a view to the adoption of a child; or

(d) the making by that person of any arrangements for the adoption of a child.

(2) Any person who makes or gives or agrees or offers to make or give any payment or reward prohibited by this section or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both; and the court may order any child in respect of whom the offence has been committed, to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(3) This section does not apply to any payment made to an institution by a parent or guardian of a child or by a person who adopts or proposes to adopt a child, being any payment in respect of expenses reasonably incurred by the institution in connection with the adoption of the child or to any payment or reward authorised by the court to which an application for an adoption order in respect of a child is made.

Restrictions upon advertisements.

21. (1) Except with the leave of the court competent to entertain an application for an adoption order in respect of a child, it shall not be lawful for any advertisement to be published indicating—

(a) that the parent or guardian of the child desires to cause the child to be adopted; or

(b) that a person desires to adopt the child; or

(c) that any person (not being an institution) is willing to make arrangements for the adoption of the child.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be punishable with fine which may extend to one thousand rupees.

Restrictions on removal of child for adoption outside India.

22. (1) Except under the authority of an order under section 23, it shall not be lawful for any person not being a guardian or relative of a child, to take or send out of India the child who is a citizen of India to any place outside India with a view to the adoption of the child by any person.

(2) Any person who takes or sends a child out of India to any place outside India in contravention of sub-section (1) or makes or takes part in any arrangements for transferring the care and custody of a child to any person for that purpose shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(3) In any proceeding under this section a report by an Indian consular officer or an Indian diplomatic officer or a deposition made before an Indian consular officer or an Indian diplomatic officer and authenticated under the signature of that officer shall be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

Provisional adoption by person domiciled outside India.

23. (1) If upon an application made by a person who is not domiciled in India, the district court is satisfied that the applicant intends to adopt a child under the law of or within the country in which he is domiciled, and for that purpose desires to remove the child from India either immediately or after an interval, the court may make an order (in this section referred to as a provisional adoption order) authorising the applicant to remove the child for the purpose aforesaid and giving to the applicant the care and custody of the child pending his adoption aforesaid:

Provided that no application shall be entertained unless it is accompanied by a certificate by the Central Government to the effect that,—

(i) the applicant is in its opinion a fit person to adopt the child;

(*ii*) the Welfare and interests of the Child shall be safeguarded under the law of the country of domicile of the applicant;

(*iii*) the applicant has made proper provision by way of deposit or bond or otherwise in accordance with the rules made under this Act to enable the child to be repatriated to India, should it become necessary for any reason.

(*2*) A provisional adoption order may be made under this section in any case where an adoption order could be made in respect of the child under this Act but shall not be made in any other case.

(*3*) The provisions of this Act relating to an adoption order shall, as far as may be, apply in relation to a provisional adoption order made under this section.

Power to make rules.

24. (*1*) The Central Government may, by notification in the Official Gazette, and after consultation with the Supreme Court, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the provisions of sub-section (*1*), such rules may provide for—

(*a*) the form and the manner in which an application for an adoption order shall be made;

(*b*) the manner in which consent may be given to the adoption of a child;

(c) the procedure which may be followed on hearing applications for adoptions and the circumstances in which and the extent to which such applications may be heard and determined otherwise than in open court;

(*d*) the care and custody of children awaiting adoption;

(*e*) the form in which and the authorities to whom, an application for the certificate referred to in the proviso to sub-section (*1*) of section 23 may be made; the provision which an applicant for such certificate has to make for repatriation to India of the child to which the application relates and the conditions which such an applicant has to comply with;

(*f*) the form and particulars of an application for a licence in respect of an institution;

(*g*) the manner in which the grounds of refusal of a licence shall be communicated to the applicant;

(*h*) the form of a licence in respect of institutions and the conditions thereof, including conditions regarding reception, care, protection and welfare of children by, and inspection of, such institutions;

(*i*) the time within which an appeal may be preferred to the State Government against an order of refusal or revocation of a licence;

(*j*) any other matter for which provision has to be or may be made by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal of Act 78 of 1956 in so far as it relates to adoption among Hindus, etc.

25. (1) The Hindu Adoptions and Maintenance Act, 1956, in so far as it relates to adoptions among Hindus, is hereby repealed, that is to say, the said Act shall be amended in the manner specified in the Schedule.

(2) Any custom or usage relating to adoption among members of any community or of any class or sub-class of a community or of any family and in force in the territories to which this Act extends, immediately before the commencement of this Act as part of the law applicable to such community, class, sub-class or family shall cease to have effect as from such commencement, except as respects things done or omitted to be done before such commencement.

Saving.

26. Nothing contained in this Act shall affect any adoption made before the commencement of this Act, and the validity and effect of any such adoption shall be determined as if this Act had not been passed.

THE SCHEDULE

[*See* section 25(*1*)]

1. Long title.—*Omit* "adoptions and".

2. Section 1.—In sub-section (*1*), *omit* "Adoptions and".

3. *Omit* Chapter II (sections 5 to 17, both inclusive).

4. *Omit* section 30.

STATEMENT OF OBJECTS AND REASONS

In India there is no general law of adoption though it is permitted by statute amongst Hindus and by custom amongst a few numerically insignificant categories of persons. In recent years there has been a growing demand for a general law of adoption in India, particularly from several social welfare organisations and social workers who see in the institution of adoption an opportunity to provide proper homes and families for abandoned, destitute and neglected children. The basis of this demand lies embedded in article 39 of the Constitution which provides *inter alia* that the State shall direct its policy towards securing that childhood and youth are protected against exploitation and against material and moral abandonment. This Bill seeks to meet this demand.

2. The salient features of the Bill may be stated as follows:—

(*a*) The Bill seeks to provide for a uniform law of adoption applicable to all communities, in supersession of the Hindu Adoptions and Maintenance Act, 1956 in so far as it relates to adoption and all customary laws permitting adoption.

(*b*) It provides for adoption by order of district court.

(*c*) It seeks to provide necessary safeguards to prevent unsuitable adoptions and adoptions with mercenary or immoral objects and to ensure that adoption of a child is allowed only when it is in the best interests of the child.

(*d*) It permits the adoption of any child (a person who has not completed 18 years of age) who is not already adopted or married.

(*e*) It permits, subject to certain qualifications and restrictions, any person of sound mind who has completed the age of 21 years to adopt a child.

(*f*) It makes suitable provisions as to consents of the parents of the child to be adopted and of the institutions, if any, taking care of the child.

(*g*) It seeks to equate as far as possible the status, rights and obligations of an adopted child with that of a child born in lawful wedlock.

(*h*) It makes special provisions for protection of adopted children who are neglected or cruelly ill-treated or exploited or exposed to pernicious influences.

(*i*) It makes detailed provisions as to licensing and supervision of institutions desiring to make arrangements for adoption of children.

(*j*) It provides for the making of provisional adoption orders permitting foreigners to take children out of India for the purpose of adoption.

3. The notes on clauses explain in detail the various provisions of the Bill.

NEW DELHI;
The 23rd May, 1972

H. R. GOKHALE.

Notes on Clauses

Clause 3.—This clause provides for the application of the provisions of the Bill, when enacted, to all adoptions. An adoption made in contravention of the provisions of the Bill, when enacted, will be void and of no effect.

Clause 4.—This clause confers the power to make adoption orders on district courts.

Clause 5.—Any person who has completed the age of twenty-one years and is of sound mind can adopt a child [sub-clause (*1*)]. A married person can adopt only jointly with his wife. The same child cannot be adopted by more than one person unless it is by husband and wife adopting jointly [sub-clause (*2*)]. There should be a minimum difference of twenty-one years between the adopter and the child to be adopted [sub-clause (*3*)]. All these requirements except the one as to the person adopting being of sound mind have been made inapplicable in the case of adoption by a natural parent of his or her illegitimate child [sub-clause (*4*)].

Clause 6.—This clause provides that a child not already adopted or married may be taken in adoption, and that a sole male applicant may adopt a female child only if he is the father of the child or there are other special circumstances justifying such adoption.

Clause 7.—This clause provides for consent of the parent or guardian of a child and where the child is in the care and custody of an institution, of the institution for the adoption of the child. The clause also empowers the court to dispense with the consent of a parent or guardian in cases where such parent or guardian has abandoned, neglected or persistently ill-treated the child or cannot be found or is incapable of giving his consent or is withholding his consent unreasonably.

Clause 8.—This clause provides that an application for an adoption order may be made to the district court having jurisdiction in the place where the child to be adopted or the person desiring to adopt resides on the date of application.

Clause 9.—This clause deals with the procedure in accordance with which applications for adoption orders shall be heard and determined by the district courts. The clause also makes provision for the appointment, if necessary, of a guardian *ad litem* of the child to be adopted for safeguarding the interests of the child before the court.

Clause 10.—This clause empowers the district court to postpone the determination of an application for an adoption order in respect of a child and make, if the court considers just and convenient so to do, an interim order giving the care and custody of the child to the applicant

by way of probation. This device will enable the court to satisfy itself better on the question whether the adoption order, if made, will be in the best interests of the child.

Clause 11.—This clause specifies the matters which the district court has to take into account before making an adoption order in respect of a child. Among other things, the court will have to give due consideration to the wishes of the child to be adopted having regard to his or her age and understanding and will have to satisfy itself that the order, if made, will be for the welfare of the child.

Sub-clause (*3*) of the clause empowers the district court to impose such terms and conditions as it may think fit in making an adoption order and to require the adopter by bond or otherwise to make for the child such provision, if any, as in the opinion of the court is just and proper.

Clause 12.—This clause provides for appeal to the High Court against an order of a district court allowing or dismissing an application for an adoption order.

Clause 13.—This clause lays down the effects of an adoption order. The clause seeks to assimilate the position of an adopted child with that of a natural born legitimate child to the maximum extent possible. The clause provides that an adopted child shall be deemed to be the child of his or her adoptive parent and the adoptive parent shall be deemed to be the parent of the child as if the child had been born to the parent in lawful wedlock for all purposes with effect from the date on which the adoption order takes effect. Provision is also made for the severance of the ties of the child in the family of his or her birth, except for purpose of prohibitions relating to marriage. Exceptions are provided to ensure that as a result of the adoption vested rights of any person are not affected [*vide* clause 13(2) proviso].

Clause 14.—This clause makes special provision for protection of children adopted under the provisions of the Bill. Under the clause the district court may require the parent or guardian of an adopted child to produce such child before the court if the court has reason to believe that the child—

(*i*) is habitually neglected or cruelly ill-treated, or

(*ii*) lives or is made to live by begging, or

(*iii*) lives or is made to live in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child, or

(*iv*) frequents or is allowed to frequent the company of any prostitute, smuggler, thief or other criminal, or

(*v*) has been or is being or is likely to be taken out of India for any immoral purpose or for any purpose detrimental to his welfare and interests.

The court after hearing and recording all evidence, which may be adduced, may pass such order as in its opinion is just and proper for ensuring the welfare of the child.

Clauses 15 *to* 19.—These clauses make provisions as to licensing and supervision of institutions desiring to make arrangements for adoption of children.

Clauses 20 *and* 21.—These are self-explanatory.

Clause 22.—This clause makes the taking or sending of an Indian child outside India for purposes of adoption punishable except where the child is so sent or taken out under the authority of a provisional adoption order (*vide* clause 23) made by a district court or by a guardian or relative of the child.

Clause 23.—This clause empowers the district court to make a provisional adoption order permitting a person who is not domiciled in India and who wants to adopt under the law of the country of his domicile a child residing in India, to take the child out of India for the purpose. The same procedure and the same considerations which apply to the making of an adoption order, apply to the making of a provisional order. Further, an application for a provisional adoption order in respect of a child has to be accompanied by a certificate issued by the Central Government to the effect that the applicant is in its opinion a fit person to adopt the child and that the welfare and interests of the child shall be safeguarded under the laws of the country of the domicile of the applicant and that the applicant has made proper provision to enable the child to be repatriated to India, if necessary.

FINANCIAL MEMORANDUM

Clause 14 of the Bill makes a special provision for protection of an adopted child. Sub-clause (*1*) (*ii*) of that clause enables the State Government to authorise an officer to report to the district court in respect of an adopted child who needs special protection.

Sub-clause (*2*) of clause 15 of the Bill *inter alia* relates to the appointment of a licensing authority by the State Government. The State Government in respect of a Union territory is the Central Government. No additional expenditure will, however, be involved in regard to the appointment of such officers as existing officers of the Government have to be appointed for those purposes. But some recurring office expenditure of a negligible nature may be involved. The exact amount of such expenditure would depend upon the number of applications for licences, the number of licences granted and the action to be taken in relation thereto, but such expenditure is not likely to exceed Rs. 5,000 per annum for each Union territory.

The Bill does not involve any expenditure of a non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Central Government to make, after consultation with the Supreme Court, rules for carrying out the purposes of the Act; the matters in respect of which rules may be made relate *inter alia* to the form and the manner in which applications may be made under the Act; the manner in which consent may be given to the adoption of a child; the procedure to be followed on hearing applications for adoptions including the circumstances in which and the extent to which such applications may be heard and determined otherwise than in open court; the care and custody of children awaiting adoption; the form and particulars of an application for a licence in respect of an institution; the form of and authorities to whom an application for certificate, required to be filed with an application for provisional adoption order, should be made; the provision which an applicant for such certificate should make for repatriation to India of the child to which the application relates and conditions which such an applicant has to comply with; the manner of communication of the grounds of refusal of licence in respect of an institution; the form of a licence in respect of an institution and the conditions thereof; the time within which appeal may be preferred against an order of refusal or revocation of a licence in respect of an institution, etc. As the various matters in respect of which rules may be made under the clause relate to matters of form, procedure or detail, the delegation of legislative power is of a normal character.

III

Bill No. XIX of 1972

A Bill further to amend the Rice-Milling Industry (Regulation) Act, 1958.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Rice-Milling Industry (Regulation) Amendment Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 1958.

Amendment of section 1.

2. In section 1 of the Rice-Milling Industry (Regulation) Act, 1958 (hereinafter referred to as the principal Act),—

(*i*) in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted;

(*ii*) to sub-section (3), the following proviso shall be added, namely:—

"Provided that it shall come into force in the State of Jammu and Kashmir on the date of commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1972.".

Insertion of new section 2A.

3. In the principal Act, after section 2, the following section shall be inserted, namely:—

Rules of construction in relation to application of Act to Jammu and Kashmir.

'2A. (*1*) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.

(*2*) Any reference in any provision of this Act (except section 3A) to the commencement of this Act or the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1968, shall, in relation to the State of Jammu and Kashmir, be construed as a reference to the commencement of the Rice-Milling Industry (Regulation) Amendment Act, 1972. 29 of 1968.

(*3*) Section 3A shall have effect in relation to the State of Jammu and Kashmir subject to the omission of the portion beginning with the words "subject to the modification" and ending with the words, brackets and figures "the Rice-Milling Industry (Regulation) Amendment Act, 1968".'.

STATEMENT OF OBJECTS AND REASONS

The Rice-Milling Industry (Regulation) Act, 1958, was enacted to regulate the working of rice mills in the country. The Act affords adequate facilities for the development of hand-pounding industry which offers large employment to the rural population, and at the same time ensures the modernisation of conventional types of rice mills with a view to producing more rice of better quality and nutritive value. The Act extends at present to the whole of India except the State of Jammu and Kashmir. It is now proposed to extend the Act to the State of Jammu and Kashmir. Many Central laws have already been extended to the State of Jammu and Kashmir and it is necessary that the Rice-Milling Industry (Regulation) Act, 1958, should also be extended to that State.

2. The Bill seeks to achieve the above object.

ANNASAHEB P. SHINDE.

NEW DELHI;
The 17th May, 1972.

FINANCIAL MEMORANDUM

Section 4 of the Rice-Milling industry (Regulation) Act, 1958 which is proposed to be extended to the State of Jammu and Kashmir by clause 2(i) of the Bill contemplates appointment of licensing officers for granting licences in respect of rice mills and section 12 of the said Act contemplates appointment of appellate officers for hearing appeals against the decisions of the licensing officers. It is intended that the functions of the licensing officers and appellate officers will be performed by the existing officers of the Central Government and the Government of Jammu and Kashmir. The powers conferred by sections 4 and 12 of the said Act may also be delegated to the Government of Jammu and Kashmir in which case the functions of licensing officers and appellate officers will be performed by the officers of the Government of Jammu and Kashmir. The Bill, when enacted and brought into operation, will, however, involve some expenditure which is not likely to exceed Rs. 1,000 per year.

2. The Bill will not involve any non-recurring expenditure.

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